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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,714	09/21/2005	Sven Kageler	3412	6375

7590 04/25/2007
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EXAMINER

FANTU, YALKEW

ART UNIT PAPER NUMBER

2838

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/550,714	Applicant(s) KAGELER ET AL.	
	Examiner Yalkew Fantu	Art Unit 2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date <u>12/20/2006</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 12, 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Kageler et al (US 7,197,961).

The applied reference has a common inventors and assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this

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application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

With respect to claim 12, Kageler et al (hereinafter Kageler) discloses a cordless screwdriver (fig. 1, 10) with charging cradle assembly comprising (fig. 3, 22), having a housing (fig. 1, 12), a handle (14), in Particular one that is angled in pistol fashion (see fig. 1), having a preferably permanently installed rechargeable battery, having charging contact tabs (fig. 1, 32, 34), and having an output spindle (20), and the rechargeable battery (fig. 1, 40) having charging contacts (fig. 1, 42 and 43), wherein the wireless screwdriver (10), and the rechargeable battery being configured so that the cordless screwdriver as a whole being placeable onto the charging cradle (fig. 3, 22) which automatically initiates a charging mode and in the charging mode being positioned on the charging cradle so that its rechargeable battery (40) and is able to be placed onto a charging cradle (fig. 3, 22) for an unlimited amount of time, in particular during pauses between uses; the charging mode is automatically initiated, the cordless screwdriver (10), the housing (fig. 1, 12) of the cordless screwdriver is inclined relative to a horizontal plane (22), and the end of the output spindle (20) points downward (see fig 3, 20 pointing down).

Regarding claim 27, Kageler disclose wherein said housing has a motor housing 12 and a transmission housing (fig. 9, 72), said handle, said motor housing 12 and said transmission 72 housing being configured so that they are receivable in the charging cradle to be held in the charging cradle during the charging mode (col. 7, lines 24-30).

With respect to claim 28, Kageler disclose that said housing has a motor housing 12 and a transmission housing 72, said motor housing and said transmission housing being configured so that they are receivable in the charging cradle to be held in the charging cradle during the charging mode (col. 7, lines 24-30).

With respect to claim 29, Kageler disclose said handle 14 of said cordless screwdriver 10 is angled relative to said housing in pistol fashion and configured so that in the charging mode when said cordless screwdriver as a whole is placed onto the charging cradle 22, said housing and handle of the cordless screwdriver 10 are inclined at different opposite angles relative to the horizontal plane (fig. 3).

Claims 12- 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Bhagwat et al (US 4,835,410).

Regarding claim 12, Bhagwat et al (hereinafter Bhagwat) discloses a cordless screwdriver (fig. 1, 10; col. 1, line 42) with charging cradle assembly comprising (fig. 4), having a housing (fig. 1, 20), a handle (22), in Particular one that is angled in pistol fashion (see fig. 1), having a preferably permanently installed rechargeable battery (26), having charging contact tabs (fig. 6, 42, 44), and having an output spindle (14), and the rechargeable battery (fig. 2, 26) having charging contacts (fig. 6, 42 and 44), wherein the wireless screwdriver (10), and the rechargeable battery being configured so that the cordless screwdriver as a whole being placeable onto the charging cradle (fig. 3, 40; see also fig. 4) which automatically initiates a charging mode and in the charging mode being positioned on the charging cradle so that its rechargeable battery (26) and is able to be placed onto a charging cradle (fig. 3, 40; see also fig. 4) for an unlimited amount of

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time, in particular during pauses between uses; the charging mode is automatically initiated in it (when the ac is plug in), the cordless screwdriver (10; col. 1, line 42), (14) the housing (fig. 1; 20) of the cordless screwdriver is inclined relative to a horizontal plane (the screwdriver inclined horizontally when stretch out on the ground), and the end of the output spindle (14) points downward (the output spindle can be inclined in a perpendicular relation as closes as to the approximated degree).

With respect to claims 13 and 14, Bhagwat discloses said handle 22 is angled relative to said housing in pistol fashion (fig. 1, 10; can be positioned as to the proper angle measure required)(claim 13); and said housing and handle are configured so that in the charging mode said housing and handle are received in the charging cradle fig. 3, 40))(claim 14)

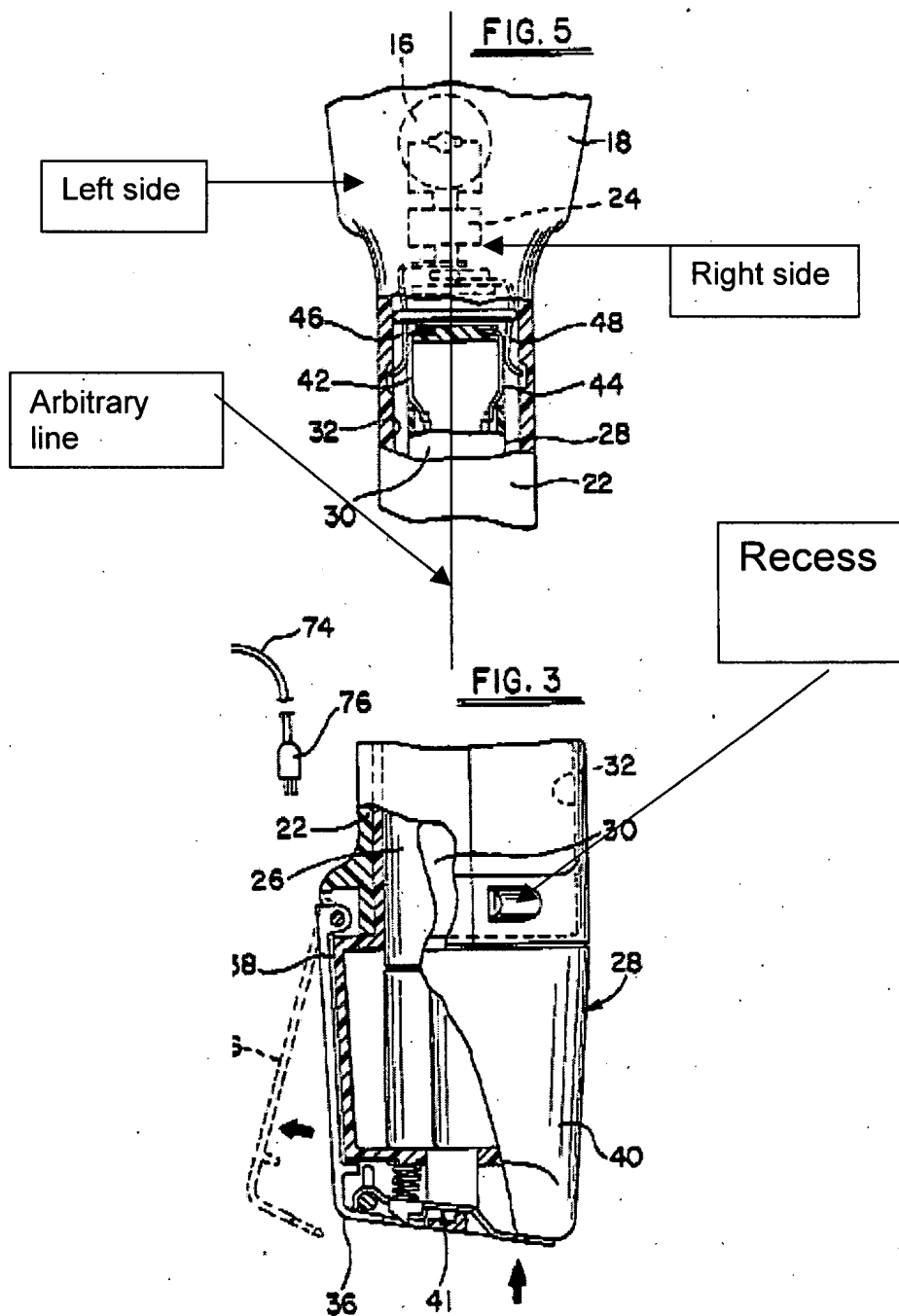
With respect to claim 15, Bhagwat discloses in the charging mode, the handle (22) protrudes out far enough from the charging cradle (40) to permit a hand to easily grasp it from underneath and/or reach all the way around it in order to remove the cordless screwdriver (10).

With respect to claim 16, Bhagwat discloses the charging contact tabs (fig. 5, 46 and 48) protrude outward through lateral slots (a gap in between 46 and 48) at the lower end of the handle (22) on both sides of the dividing plane (arbitrary line that goes downward through the center of 16 in fig. 5; see also the fig. Below, "Arbitrary line") on the side of the inner angle and in the charging mode, engage with charging contacts (42, 44) of the charging cradle (40) without requiring the attachment of a separate cable or plug connector.

Regarding claim 17, Bhagwat discloses each of the slots and a recess (see below fig, "recess") surrounding the slot is situated in one of the casing halves (left and right side of the arbitrary line; see the figure mentioned below), spaced equidistantly apart from the central plane (arbitrary line that goes downward through the center of 16 in fig. 5; see figure below).

With respect to claim 18, Bhagwat discloses the cordless screwdriver (10) rests with the recesses (33) in its handle (22) covering the resilient charging contacts (42, 44) of the charging cradle (22) and by engaging over them, is secured against an undesired detachment from the charging cradle (40).

With respect to claim 19, Bhagwat discloses the top of the charging cradle (40) has beds (28) to accommodate the cordless screwdriver (10) that correspond to an imprint of the outer surfaces of its inner angle enclosed by the handle (22) and the motor housing (18) and transmission housing (20), at least one of the beds (28) extends at an inclination of less than 90° in relation to the perpendicular (angular relation of 28 to a perpendicular line is less than the degree measure of 90).



With respect to claim 20, Bhagwat discloses the handle (22) protrudes in wedge fashion into the bed (28) of the charging cradle (40) with only its on/off button (26) and the handle (14) itself to protrude up from the charging cradle (40) and is only minimally inserted into the bed (28).

With respect to claims 21 and 22, Bhagwat discloses it is possible to place the charging cradle (40) in a stable fashion on a flat, in particular horizontal, supporting surface (the base of the cradle 40 is horizontal), without having to mount it in place or hold it when removing the cordless screwdriver (10) (the cordless tool can be placed in the cradle without mounting it).

With respect to claims 23 and 24, Bhagwat discloses the on/off button (24) extends over virtually the entire length of the handle (22) and, with a short actuation stroke of 1 to 5 mm, preferably 2 mm, it is possible to actuate it to switch on at any point along this length (for the length of the ON/OFF button of 24).

With respect to claim 25, Bhagwat discloses a circuit board (fig. 7), which serves to accommodate electrical contacts (fig. 7, 74) and control elements, extends lengthwise in the handle (22) and - held in clamp fashion by means of the casing halves (left and right side of the arbitrary line; see the above figure; "Left side" and "Right side") of the housing (20) - serves to stiffen the housing structure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bhagwat et al (US 4,835,410) in view of Somers et al. (US 4,983,080).

With respect to claim 26, Bhagwat et al. discloses a cordless screwdriver with each side of the case half as set forth above in the 35 USC 102 (b) rejection, however does not disclose expressly the handle that has a rubber covering.

Somers et al, on the other hand, discloses a handle made of rubber (col. 1, lines 58-60), which is used to retain the handle in the slot. It would have been obvious to one skilled in the art to use a rubber covered handling tool.

Bhagwat et al and Somers et al are analogous arts because they are from the same field of endeavor namely power tool.

At the time of the invention it would have been obvious to a person having ordinary skill in the art to provide a tool handling covered with rubber as taught by Somers et al to the cordless system for power-operated devices of Bhagwat et al. to ensure the safe handling means for the tool.

The suggestion for doing would have been that the use of rubber to cover the handle prevents from electrical shock of a loose connection.

Response to Arguments

Applicant's arguments filed on 11/30/2006 have been considered but are moot in view of the new ground(s) of rejection (see the rejection above).

With respect to applicant's argument regarding "... the whole cordless screwdriver is received in the charging cradle, and in particular its complete housing 12

and 18, Bhagwat discloses housing for the top, middle and bottom part (see fig. 1, 20, 22 and 40; the covering for different parts).

Regarding the applicant's argument of charging mode carried in an angular arrangement when placed on the cradle, Bhagwat reference disclose that the charging cradle (fig. 4,) as the cordless power tool positioned in fig. 1, can be positioned in an angular arrangement while charging take place in the cradle (see rejection above).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed; and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yalkew Fantu whose telephone number is 571-272-28928. The examiner can normally be reached on M - F; 7- 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karl D. Eastom can be reached on 571-272-1989. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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